

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

390-400 METACOM AVENUE, LLC,
Plaintiff

v.

JOHN EASTERN COMPANY, INC.
and LOYDS OF LONDON,
Defendants

C.A. No.: 1:16-cv-238

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446(a), the defendants, LOYDS OF LONDON, more properly known as CERTAIN UNDERWRITERS AT LLOYD’S, LONDON SUBSCRIBING TO CERTIFICATE NO.: ML144200000757 (hereinafter “the defendants”) files this Notice of Removal and respectfully state to this Honorable Court as follows:

1. The defendants are named in the Complaint entitled 390-400 Metacom Avenue, LLC v. John Eastern Company, Inc. and Loyds of London (hereinafter “the State Court Action”), pending in Providence Superior Court, Providence, Rhode Island (hereinafter “the State Court”). *See* Complaint, attached hereto as Exhibit A.

2. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441, because the case is a civil action between citizens of different states wherein the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

3. In the Complaint, the plaintiff alleges water damage to property located at 400 Metacom Avenue, Bristol, Rhode Island. *See* Exhibit A, ¶¶ 4-9. The plaintiff claims to have sustained damages in the amount of \$138,100, which is in excess of the minimum jurisdictional

threshold, and brings this claim for bad faith against the defendants for failing to pay or settle its insurance claim with the defendants. *See* Exhibit A, ¶¶ 7-9, 27-30 and 32-36. Therefore, this case is properly within the jurisdictional amount of this Court.

4. The plaintiff is a limited liability company duly organized under the laws of the State of Rhode Island, with a principal place of business located at 390-400 Metacom Avenue, Bristol, Rhode Island.

5. The defendants, Loyds of London, more properly known as Certain Underwriters at Lloyd's, London Subscribing to Certificate No.: ML144200000757, are business entities organized and existing under the laws of Great Britain and Wales, qualified to transact business in Rhode Island subject to the State's excess and surplus lines insurance statutes.

6. The defendant, John Eastern Company, Inc., more properly known as Johns Eastern Company, Inc., is a corporation duly organized under the laws of Pennsylvania with a principal place of business located at 350 Sentry Parkway, Building 610, Suite 120, Blue Bell, Pennsylvania 19422.

7. Accordingly, diversity jurisdiction existed at the time that the plaintiff filed the Complaint and diversity jurisdiction exists now.

8. Because this is a civil action of which the district courts of the United States have original jurisdiction, the case may be removed to this Court pursuant to 28 U.S.C. § 1441.

9. The plaintiff filed the Complaint in State Court on or about December 28, 2015. On May 2, 2016, the defendants, Loyds of London, more properly known as Certain Underwriters at Lloyd's, London Subscribing to Certificate No.: ML144200000757, were served with the Summons and Complaint. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days after the defendants were served on May 2, 2016.

10. Removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place where the removed action is pending.

11. Promptly after the filing of this Notice of Removal, the defendants shall give written notice of the removal to the plaintiff and the defendant, John Eastern Company, Inc. through its attorney of record and to the clerk of the State Court as required by 28 U.S.C. § 1446(d).

12. In accordance with 28 U.S.C. § 1441(a), the defendants have requested a complete copy of the docket, including all filings, in the state court action, which will be filed in this Court following docketing of this Notice of Removal.

WHEREFORE, the defendants, LOYDS OF LONDON, more properly known as CERTAIN UNDERWRITERS AT LLOYD'S, LONDON SUBSCRIBING TO CERTIFICATE NO.: ML144200000757, respectfully request that this action now pending in Providence Superior Court, Rhode Island, be removed to the United States District Court for the District of Rhode Island, as an action properly removable thereto and seeks general relief.

Respectfully submitted,

Defendants,

LOYDS OF LONDON,

By their attorneys,

/s/ Kara Thorvaldsen
Kara Thorvaldsen, RI Bar# 7241
WILSON ELSER
260 Franklin Street – 14th Floor
Boston, MA 02110-3112
(617) 422-5323

Dated: May 27, 2016